

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 TERON FRANKLIN,

5 Plaintiff,

6 v.

7 STATE OF NEVADA, *et al.*,

8 Defendants.

Case No. 3:18-CV-0522-MMD-CLB

**ORDER DENYING AS MOOT
SECOND APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

[ECF No. 38]

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10 Before the Court is Plaintiff Teron Franklin's ("Franklin") application to proceed in
11 forma pauperis ("IFP"), which is the second IFP application Franklin filed in this case.
12 (ECF No. 38.)

13 On August 16, 2019, Franklin was granted IFP status in the screening order. (ECF
14 No. 6.) Franklin appealed the screening order, which dismissed his case in its entirety.
15 (ECF No. 11.) The Ninth Circuit affirmed in part, reversed in part, and remanded the case
16 with instructions. (ECF No. 13.) Thereafter, the Court vacated the original screening
17 order, (ECF No. 6), and entered a second screening order allowing Franklin to proceed
18 as to certain claims. (ECF Nos. 17,19.) The second screening order was silent at
19 Franklin's IFP status. (*Id.*) Although the substance of the original screening order was
20 vacated; the Court considers Franklin to still be proceeding IFP. Therefore, the Court
21 enters the following orders:

22 1. Franklin's second application to proceed in forma pauperis, (ECF No. 38),
23 is **DENIED as moot**.

24 2. Franklin's application to proceed in forma pauperis, (ECF No. 5), was
25 granted and remains effective.

26 3. Franklin is not required to pay an initial installment fee. Nevertheless, the
27 full filing fee will be due, pursuant to 28 U.S.C. § 1915, as amended by the PLRA. The
28 movant herein is permitted to maintain this action to conclusion without the necessity of

1 prepayment of fees or costs or the giving of security therefor. The order granting in forma
2 pauperis status does not extend to the issuance and/or service of subpoenas at
3 government expense.

4 4. Pursuant to 28 U.S.C. § 1915, as amended by the PLRA, the Nevada
5 Department of Corrections will pay to the Clerk of the United States District Court, District
6 of Nevada, 20% of the preceding month's deposits to the account of Teron Franklin,
7 #60567 (in months that the account exceeds \$10.00) until the full \$350 filing fee has been
8 paid for this action.

9 5. The Clerk of Court is directed to send a copy of this order to the attention of
10 Chief of Inmate Services for the Nevada Department of Prisons, P.O. Box 7011, Carson
11 City, NV 89702.

12 6. Even if this action is dismissed, or is otherwise unsuccessful, the full filing
13 fee will still be due, pursuant to 28 U.S.C. §1915, as amended by the PLRA.

14 **DATED:** August 13, 2021.

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17 **UNITED STATES MAGISTRATE JUDGE**
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